

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM P. KRIPPLEBAUER and	:
ANGELA KRIPPLEBAUER, his wife,	: CIVIL ACTION NO. 3:02-CV-1499
	:
Plaintiffs,	:
	:
v.	: (JUDGE CONABOY)
	:
CELOTEX CORP.,	:
	:
Defendant and	:
Third-Party Plaintiff,	:
	:
v.	:
	:
ZIEGLER CHEMICAL & MINERAL CORP.,	:
	:
Third-Party Defendant.	:

ORDER

Background of this Order:

On June 1, 2004, the jury returned a verdict in favor of Celotex Corp. and judgment was entered in Celotex's favor on June 2, 2004. Among the many post-trial motions filed, Celotex sought reimbursement for attorneys' fees and costs from Zeigler Corp. pursuant to a purchase order contract between the two parties, (Doc. 166). The Court granted Celotex's motion and, by Order of November 2, 2004, directed Celotex to submit its claim for fees and costs by November 15, 2004. (Doc. 184.) Celotex submitted its Motion for Attorneys Fees and Costs, (Doc. 185), and, after adjusting the requested amount, by Order of January 14, 2005, the Court ordered Ziegler to pay Celotex \$530,779.68. (Doc. 195). With resolution of the fees and costs issue, the case was closed.

(Doc. 195.) On February 11, 2005, Ziegler filed an appeal with the Third Circuit Court of Appeals. (Doc. 197.)

Three motions are currently pending before the Court: 1) Motion of Third-Party Plaintiff and Judgment Creditor Celotex Corporation for Leave to Register Judgment, (Doc. 201); 2) Motion of Third-Party Defendant Ziegler Chemical & Mineral Corp. to Approve Supersedeas Bond and Stay Execution of the Judgment, (Doc. 205); and 3) Motion of Third-Party Defendant Ziegler Chemical & Mineral Corp. to Quash Celotex Corp.'s Interrogatories and Notice of Depositions, (Doc. 207). The Court also received correspondence from Celotex's counsel requesting, among other things, that the Court increase the amount of the supersedeas bond posted, (Doc. 212).

We conclude that the bond posted is sufficient and that execution of judgment should be stayed pending appeal. Celotex and Ziegler are two major corporations with extensive assets. Even if the posted bond is not dollar for dollar sufficient, there is no indication that Ziegler will not be responsible for paying the difference. We further note the Court should not be involved in compensating anyone for creating extra litigation costs.

Therefore, we grant the Motion of Third-Party Defendant Ziegler Chemical & Mineral Corp. to Approve Supersedeas Bond and Stay Execution of the Judgment, (Doc. 205). Because we grant this motion, Celotex's motion, (Doc. 201), is moot, as is Ziegler's motion to Quash Celotex Corp.'s Interrogatories and Notice of

Depositions, (Doc. 207). Although not a formal motion or recognized responsive filing, we decline to take any action requested in Celotex's correspondence of April 1, 2005.

NOW, THEREFORE, THIS 20th DAY OF APRIL 2005, IT IS HEREBY ORDERED THAT:

1. Motion of Third-Party Defendant Ziegler Chemical & Mineral Corp. to Approve Supersedeas Bond and Stay Execution of the Judgment, (Doc. 205), is GRANTED;
2. Motion of Third-Party Plaintiff and Judgment Creditor Celotex Corporation for Leave to Register Judgment, (Doc. 201), is DEEMED MOOT;
3. Motion of Third-Party Defendant Ziegler Chemical & Mineral Corp. to Quash Celotex Corp.'s Interrogatories and Notice of Depositions, (Doc. 207), is DEEMED MOOT.
4. The Clerk of Court is directed to mark the docket.

S/Richard P. Conaboy

RICHARD P. CONABOY
United States District Judge